

# FOREIGN POLICY REPORTS

July 17, 1935

---

## A New Constitution for India

BY T. A. BISSON

---

PUBLISHED FORTNIGHTLY BY THE

Foreign Policy Association, Incorporated

EIGHT WEST FORTIETH STREET, NEW YORK, N. Y.

VOLUME XI NUMBER 10    *25¢ a copy    \$5.00 a year*

# A New Constitution for India

BY T. A. BISSON

*with the aid of the Research Staff of the Foreign Policy Association*

INTRODUCTION of the Government of India Bill in the House of Commons early in 1935 climaxed more than seven years of constitutional debate and political struggle both in Great Britain and India. Parliamentary action on the bill, in contrast to the long period of its formulation, was unusually rapid. A minority opposition in the House of Commons, composed of Labor and Liberal members and a few die-hard Conservatives led by Winston Churchill, was heavily outvoted at all times.<sup>1</sup> The bill passed its final reading in the House of Commons on June 5 by a vote of 386 to 122.<sup>2</sup> Approval by the House of Lords is expected before Parliament adjourns for the summer recess in July.

Preliminary stages in the formation of the new constitution were marked by the report of the Indian Statutory (Simon) Commission in June 1930, the round-table conferences of 1930-1932, the government proposals embodied in the White Paper submitted to Parliament in March 1933, and the report of the Joint Select Committee of Parliament on these proposals in November 1934. In the course of the political struggle, the All-India National Congress under Mahatma Gandhi's leadership twice resorted to nation-wide civil disobedience campaigns. The first campaign ended in the Gandhi-Irwin truce of March 4, 1931, but the promise afforded by this truce was not fulfilled in

the second round-table conference, which Gandhi attended in person. The renewed civil disobedience movement, led by Gandhi in 1932-1934, was crushed when Governor-General Willingdon invoked emergency ordinances which enforced wholesale suspension of the civil liberties of Congress party adherents.<sup>3</sup>

Notwithstanding the broad support mobilized behind the campaigns of the All-India National Congress, the constitution framed in London increasingly departed from the program of full self-government demanded both by the Congress party and the moderate Indian elements.<sup>4</sup> Under these circumstances, the reaction in India against the new constitution has been almost uniformly unfavorable. In British India both the National Liberal Federation—the moderates—and the All-India National Congress, comprising the so-called “extremists,” have condemned it in unqualified terms.<sup>5</sup>

3. *Measures taken to counteract the Civil Disobedience Movement . . .*, Cmd. 4014 (London, H.M. Stationery Office, 1932), p. 60-95.

4. The round-table conference procedure had originally been set up with the express aim of giving Indians a voice in the framing of their constitution. On July 9, 1930 the Governor-General, Lord Irwin, had declared: “His Majesty conceive of it [the conference] not as a mere meeting for discussion, but as a joint assembly of representatives of both countries on whose agreement precise proposals to Parliament may be founded.” (*India in 1930-31*, Calcutta, Government of India Central Publication Branch, 1932, p. 82.) The Indian members of the conference, however, were not elected by the people but were selected and appointed by the Governor-General. Moreover, the 1931 change of government in Great Britain rendered the attainment of an agreement virtually impossible. The details of the program laid down in the White Paper issued by the British government in March 1933 were in no sense based on agreements reached in the round-table conference. This fact was recognized in the report of the Joint Select Committee of Parliament, which declared: “No scheme for the future government of India is, of course, at present in existence which can be said to have been agreed even unofficially between representatives of the two countries.” (*Report of the Joint Committee on Indian Constitutional Reform*, Vol. I, Part I, London, H.M. Stationery Office, 1934, p. 25.) Finally, although Indian delegates appeared before the Joint Select Committee, the recommendations of the committee ran completely counter to their suggestions.

5. Cf. Appendices I and II.

1. The opposition was split between two opposing points of view. On the left wing, the Labor party and to a lesser extent the Liberals attempted to incorporate a fuller grant of self-government in the bill. Their numerical weakness, as well as the fact that they never pressed for the outright rejection of the bill, rendered their efforts almost entirely ineffectual. The right-wing opposition led by Winston Churchill, on the other hand, waged a vigorous fight for the complete withdrawal of the bill. The influence of this group within the dominant Conservative party, as well as its strong stand, forced the moderate Conservatives to accept a continuous series of reactionary amendments. This process was evident in the White Paper proposals, the recommendations of the Joint Select Committee, and the final changes made by the House of Commons.

2. *The Times* (London), June 6, 1935.

---

FOREIGN POLICY REPORTS, VOLUME XI, NUMBER 10, JULY 17, 1935

Published by-weekly by the FOREIGN POLICY ASSOCIATION, Incorporated, 8 West 40th Street, New York, N. Y., U. S. A. RAYMOND LESLIE BUELL, *President*; WILLIAM T. STONE, *Vice President and Washington representative*; VERA MICHELES DEAN, *Editor*; HELEN TERRY, *Assistant Editor*. *Research Associates*: T. A. BISSON, VERA MICHELES DEAN, WILLIAM KOREN, JR., HELEN H. MOORHEAD, DAVID H. POPPER, ONA K. D. RINGWOOD, CHARLES A. THOMSON, M. S. WERTHEIMER, JOHN C. DEWILDE. Subscription Rates: \$5.00 a year; to F. P. A. members \$3.00; single copies 25 cents. Entered as second-class matter on March 31, 1931 at the post office at New York, N. Y., under the Act of March 3, 1879.

Aside from the British residents, the main supporters of the new constitution in British India are to be found among the Muslims, who have been especially favored by the electoral provisions of the British government's Communal Award. Even the Muslims, however, are strongly opposed to many features of the constitution on nationalist grounds.<sup>6</sup> The people of the Indian States, through their organizations, have condemned the constitution for its failure to give them a voice in the proposed Federal Legislature. On the other hand, the Indian Princes are expected to cooperate in the new constitutional set-up, though they are dissatisfied with certain provisions affecting their interests and are using their strategic position to bargain for better terms.<sup>7</sup>

Before considering the recent developments in India, it is necessary to examine the main elements of the new constitution. For this purpose, a summary analysis of the White Paper will be made, followed by a more detailed consideration of the changes introduced into the White Paper scheme by the Joint Select Committee of Parliament.

#### THE WHITE PAPER PROPOSALS

The framework of the constitutional proposals embodied in the White Paper was determined by the decision to establish a federation of the Indian States and the provinces of British India.<sup>8</sup> To accomplish this object, special difficulties raised by the extreme differences between the federating units had to be surmounted. In the British-Indian provinces partially elective legislatures control certain branches of the administration, but the Indian States are still autocratically governed by their hereditary Princes. The forces of nationalism are strongest in British India, while the Princes tend to rely on the British connection as a buttress to their own autocratic position. On the main constitutional issue—how such different units should be represented in the federation—the White Paper went no further than to recommend that the provincial members of the proposed Federal Legislature should be elected, while those from the States should be appointed by their rulers.

A further difficulty arose over the fact that, while Parliament could legislate directly for the provinces, the Indian States were merely under the suzerainty of the Crown. The position of the

Crown with reference to the States is governed by a large number of separate treaties and agreements and by a cumulative growth of custom and usage summed up in the term "paramountcy." In the case of British India the White Paper was therefore able to provide through Parliamentary action for the direct adherence of the provinces to the federation, and for a definite demarcation of the scope of legislative and executive authority transferred by the provinces to the federal government. In the case of the States, however, separate agreements defining the powers which the various Princes were prepared to surrender to federal authority, termed Instruments of Accession, will have to be concluded with the Crown. The powers so transferred by the States will not only be much more limited in scope than those transferred by the provinces, but will differ from State to State. The White Paper, moreover, recommended that the Crown should retain its suzerain position in relation to the powers not transferred to the federation by the States. Such residuary Crown powers, including those expressed in the term "paramountcy," will "be exercised by the Crown's representative [i.e., the Governor-General] in his capacity of Viceroy," and "will be outside the scope of the Federal Constitution."<sup>9</sup>

Under the terms laid down by these proposals, the nominees of the Princes will constitute a virtually solid anti-democratic and anti-nationalist bloc in the Federal Legislature. In addition, the Viceroy's retention of his "paramount" powers will enable him to exercise a decided leverage on the States-members of the federation. A powerful conservative body, specially linked to the Governor-General, is thus introduced into the federal government as a counterpoise to the nationalist movement of British India.

*The Federal Legislature.* The legislative branch of the federation will be bicameral, consisting of the House of Assembly and the Council of State. In most cases, the White Paper specifically allocated a fixed number of seats to each of the various Indian groups in the Federal Legislature. This allocation of legislative seats has to be examined first with reference to the Princes and, second, with regard to the various communities of British India.<sup>10</sup>

The House of Assembly was allotted a maximum of 375 members, of whom 125 were to be appointed by the Princes and 250 directly elected

6. Cf. Appendix III.

7. Their main reservations were covered by changes introduced in the bill by the House of Commons. Cf. p. 125, footnote 49.

8. For a detailed analysis of the White Paper constitution, cf. T. A. Bisson, "Constitutional Developments in India," *Foreign Policy Reports*, September 13, 1933, p. 151-160.

9. *Proposals for Indian Constitutional Reform* (the White Paper), Cmd. 4268 (London, H.M. Stationery Office, 1933), p. 7.

10. In this report "British India" includes the two new provinces of Sind and Orissa but excludes Burma, which is being given a separate constitution by Parliament.

from the British-Indian provinces. In the Council of State, out of a total of 260 members, 100 were to be appointed by the Princes, 10 by the Governor-General, and 150 elected chiefly by the provincial legislatures of British India.<sup>11</sup> This allotment of seats is heavily weighted in favor of the Princes. Although the population of the Indian States is considerably less than one-fourth that of the total population of India, the Princes are given one-third of the seats in the Assembly and well over one-third of the seats in the Council of State.

In the case of the seats allocated to British India, the situation is more complicated.<sup>12</sup> Of the 250 British-Indian seats in the Assembly 105 will be filled chiefly by Hindus, including 19 seats reserved to the depressed classes. The remaining seats are allotted to the other communities and special interests as follows: Muslim, 82; Commerce and Industry, 11; Labor, 10; Women, 9; European (i.e., British), 8; Indian Christian, 8; Landholders, 7; Sikh, 6; Anglo-Indian, 4. In the Council of State, out of the 150 British-Indian seats, 136 will be filled indirectly through election by the provincial legislatures, with the proviso that one-third must be reserved for Muslims. Ten seats will also be reserved for certain lesser minorities—7 for Britishers, 2 for Indian Christians, and 1 for Anglo-Indians. One seat each will be reserved for Coorg, Ajmer, Delhi and Baluchistan.

The conservative communities and interests of British India are greatly favored by this division of seats in the Federal Legislature. It works especially against the Hindus, who supply the largest number of militant Indian nationalists. Although the caste Hindus constitute a clear majority of the population of British India, they are given only 86 of the 250 British-Indian seats in the Assembly. The Muslims, on the other hand, who constitute approximately one-fourth of the population of British India, are given one-third of the British-Indian seats in both Houses. In effect, the special seats allotted to the bourgeois interests (commerce and industry, and the landowners) give them a plural representation, since they can be expected to secure their full share of the members elected by the various communal constituencies.<sup>13</sup> The disproportion is most obvious in the case of the British residents. Taking British India as a whole, one seat is al-

lotted in the Council of State to every 1 $\frac{2}{3}$  million persons and one seat in the Assembly to every one million persons. Yet 7 seats in the upper House and 14 seats in the lower House (including 6 of the special commerce and industry seats expected to be secured by Britishers) are allotted to only 135,000 British residents—a figure which includes some 60,000 British troops.

An examination of the composition of the Legislature indicates the virtual impossibility of securing a majority for a nationalist measure, much less a proposal designed to mitigate the extreme inequalities of wealth in India. The Council of State, with 260 members, will be dominated by a solid conservative bloc of 118 votes, consisting of the 100 nominees of the Princes, the 10 nominees of the Governor-General, the 7 Britishers, and the 1 Anglo-Indian. Only 13 additional votes, which should be easily forthcoming from the 48 or more Muslim representatives, are required to convert this conservative bloc into an absolute majority. The Assembly, with 375 members, will be similarly dominated by a solid conservative bloc of 143 votes, consisting of the 125 nominees of the Princes, the 14 Britishers, and the 4 Anglo-Indians. The additional 45 votes required to convert this conservative bloc into an absolute majority should be readily secured from the 97 seats allotted to the Muslims, landholders, and Indian Christians.<sup>14</sup>

*The Federal Executive.* On the executive side, the federation will be headed by the Governor-General aided by a Council of Ministers which, in principle, will be responsible to the Legislature. In actual practice, the present irresponsible Government of India will be replaced by a diarchical cabinet system of reserved and transferred departments dominated by the Governor-General who, in addition, retains "paramount" powers over the States.

The Governor-General will have exclusive control of the three reserved departments of the federal government—defense, foreign affairs, and ecclesiastical affairs.<sup>15</sup> No great importance attaches

11. *Proposals for Indian Constitutional Reform*, cited, p. 10-11.

12. *Ibid.*, Appendix I, II, p. 88-90.

13. Certain inequalities exist even in the allotment of the special seats. Commerce and industry is given 11 special seats in the Assembly against 10 for labor, although the Franchise Committee headed by Lord Lothian had recommended equality between the two. The landowners have 7 special seats in the Assembly, but the agricultural laborers, numbering scores of millions, are given no seats.

14. This analysis of the probable voting alignment in the Legislature is borne out by Sir Samuel Hoare, Secretary of State for India. In the course of an address to Parliament on March 27, 1933, he declared: "I do not wish to make prophecies about the future, least of all the Indian future. But I would ask hon. members to look very carefully at the proposals which we have made in the White Paper for the constitution of the Federal Legislature and of the Provincial Legislatures, and if they analyze these proposals I think they will agree with me that it will be almost impossible, short of a landslide, for the extremists to get control of the federal centre. I believe that, to put it at the lowest, it will be extremely difficult for them to get a majority in a Province like Bengal." (Cf. "Speech of Sir Samuel Hoare . . .," *Indian Information Series No. 68*, British Library of Information, New York, N. Y., p. 6.)

15. *Proposals for Indian Constitutional Reform*, cited, p. 9-10.



to the reservation of the latter department, which provides chaplains of the Churches of England and Scotland for the British troops and civil officers in India. The reservation of the departments of defense and foreign affairs, however, materially reduces the extent of the federal government's responsibility to the Legislature. In the first case, the federation's defense policy is removed from Indian control and a non-votable charge levied on the federal budget in the form of expenditure on the Indian Army, more than a third of which consists of British troops and whose higher officers are almost exclusively British. In the second case, the control of India's foreign relations is also vested in British hands, although its costs are borne by the federal budget.

In the administration of the transferred departments, which include law, commerce and industry, and finance, Indian Ministers will in principle be responsible to the Legislature. Under certain conditions, however, the Governor-General will be entitled to act on his own exclusive responsibility even in the transferred sphere. These conditions are defined by a list of "special responsibilities" with which the Governor-General will be charged. As set out by the White Paper, this list comprises the following items:<sup>16</sup>

1. The prevention of grave menace to the peace or tranquillity of India or of any part thereof.
2. Any matter which affects the administration of the reserved departments.
3. The safeguarding of the financial stability and credit of the federation.
4. The protection of the rights of any Indian State.
5. The prevention of commercial discrimination.
6. The safeguarding of the legitimate interests of minorities.
7. The securing to the members of the Public Services of any rights provided for them by the constitution, and the safeguarding of their legitimate interests.

In order to enable the Governor-General to discharge his "special responsibilities," he is vested with a series of "discretionary powers" which he may exercise without "any constitutional obligation to seek, or having sought, to be guided by, ministerial advice." The list of such powers suggested by the White Paper is as follows:<sup>17</sup>

1. Dissolve, prorogue, and summon the Legislature.
2. Summon forthwith a joint session of the Legislature in cases of emergency.
3. Accept or veto bills, or reserve them for the

16. *Proposals for Indian Constitutional Reform*, cited, p. 13-14, 40-43.

17. *Ibid.*, p. 17-22.

signification of His Majesty's pleasure.

4. Make rules of legislative business in so far as these are required for the due exercise of his own powers and responsibilities.

5. Grant or withhold previous sanction to the introduction of certain classes of legislative measures.

6. Pass "Governor-General's Acts" without the consent of the Legislature.

7. Arrest the course of discussion of measures in the Legislature.

8. Promulgate emergency ordinances having the effect of law.

9. Assume to himself by proclamation all powers vested by law in any federal authority, in the event of a complete breakdown of the constitutional machinery.

The Governor-General's power of intervention under these provisions is to be utilized only as a last resort. In most cases, where questions arise affecting his "special responsibilities," consultation with his Ministers should result in agreement. On the other hand, these reserve powers of the Governor-General constitute an overhanging threat which can hardly fail to embarrass the Ministers' freedom of action. Even though employed only through consultation in day-to-day administration, they will exert a coercive effect of considerable importance and are likely to prove a perpetual source of friction.<sup>18</sup>

In the transferred sphere, the position of the Finance Minister is specially circumscribed by a number of drastic safeguards. Expenditure on the reserved departments, salaries and pensions of high officials and superior civil servants, and interest and sinking-fund charges on the national debt are removed by statute from the vote of the Legislature.<sup>19</sup> These non-votable charges on the future federal budget have amounted in recent years to some 80 per cent of the total expenditure of the Government of India. Even with regard to the remaining 20 per cent of federal expenditures, the Finance Minister's responsibility is limited by special powers conferred on the Governor-General

18. Owing to the active influence exercised by the Governor-General, whose position differs greatly from that of a constitutional monarch, even the more normal of his "discretionary powers" acquire an extraordinary force. His veto power, for example, is sufficient to set aside a legislative measure which the future Indian Prime Minister may carry to passage, since there is no provision whereby the Legislature can override a veto. The last four of the Governor-General's "discretionary powers" leave the way open for a much more serious invasion of the sphere of administration transferred to the Ministers. In the unlikely event of a nationalist majority in the Legislature, the ensuing Parliamentary deadlock would be resolved through the wholesale usurpation of legislative functions by the Governor-General.

19. For a detailed list of these statutory expenditures, cf. *Proposals for Indian Constitutional Reform*, cited, p. 49-50, and Appendix VII, Part III, p. 122.

in relation to budget procedure which enable him to restore any amounts reduced or rejected by legislative vote. In the commercial sphere, the reservation of the Department of Foreign Affairs, the proposals regarding "commercial discrimination," and the "special responsibility" laid on the Governor-General to prevent such discrimination limit the Finance Minister's power to devise and carry out a program in the interests of Indian trade and industry.<sup>20</sup> Similarly, the provisions which place the management of currency and exchange under the control of a Reserve Bank and the operation of the railways under a specially constituted Railway Board have the effect of removing these key economic spheres from responsible legislative control.<sup>21</sup> Finally, the Governor-General's "special responsibility" for safeguarding "the financial stability and credit of the Federation," in which he will be assisted by a Financial Adviser, provides an opportunity for general intervention over a wide field of the Finance Minister's activities.

*The Provincial Governments.* The British-Indian units of the proposed federation will consist of the nine existing provinces and the two new provinces of Sind and Orissa. These provinces will each be administered by a Governor, aided and advised—with broad qualifications—by a Council of Ministers responsible to the provincial legislatures. In Bengal, Bihar, and the United Provinces the legislatures will be bicameral; in other provinces they will consist of a single house. The franchise is based chiefly on property qualifications, supplemented by a fairly high educational standard.<sup>22</sup> Provisions are made to secure an electorate of approximately 10 per cent of the depressed classes in most provinces.<sup>23</sup> Separate electorates are provided for Sikhs, Muslims, Indian Christians, Anglo-Indians, Britishers, landholders, commerce and industry, labor, women and other special interests. Under these proposals, roughly one-fourth of the total adult population of the provinces will be enfranchised.

The extension of the franchise marks a considerable advance over the 1919 Act in the provincial legislative sphere, although it falls far short of full adult suffrage, which is generally favored in India. Separate electorates have been perpetuated and extended, despite the fact that communal voting has been condemned by all observers of its effects, in-

cluding the Simon Commission.<sup>24</sup> In the provincial legislatures, as a result of this electoral system, there will be a tendency to divide on racial or religious lines instead of on matters of principle. Hindu-Muslim and other inter-communal antagonisms will be strengthened, while the attainment of unity along nationalist lines will be correspondingly weakened. At the same time, the conservative elements are buttressed by the property basis of the franchise, the plural representation accorded to the bourgeois interests, and the provision for an upper house of the legislature in three of the provinces. The latter provision has met with particular opposition in India not only on the ground that a second house acts as a conservative brake on legislative procedure, but because up to this time the provincial legislatures have always been unicameral.

Executive authority in the provinces will be entrusted to a Governor appointed by the King.<sup>25</sup> The Governor will be advised by a Council of Ministers responsible to the legislature over the whole field of provincial administration. This proposal, by abolishing the present system of diarchy with its reserved and transferred departments, gives effect to the major advance step recommended by the Simon Commission. On the other hand, effective ministerial responsibility in the provinces is limited by a series of "special responsibilities" and "discretionary powers" entrusted to the Governor, closely parallel to those held by the Governor-General.<sup>26</sup> Strict financial and economic safeguards, similar to those in force at the center, are also made effective in the provinces. A large proportion of provincial expenditure will not be submitted to the vote of the legislature.<sup>27</sup> Over the remainder, the Governor will exert special powers in the

20. For the provisions regarding "commercial discrimination," cf. *ibid.*, p. 70-71; also below, p. 123.

21. For these provisions, cf. *ibid.*, p. 17, 36.

22. *Proposals for Indian Constitutional Reform*, cited, p. 24-25; Appendix V, p. 103-113.

23. *Ibid.*, p. 91, 94.

24. *Report of the Indian Statutory Commission*, Cmd. 3568 (London, H.M. Stationery Office, 1930), Vol. II, p. 56. Official British opinion contends that the various Indian communities were given the opportunity to agree on a substitute for separate electorates and that in the single case where such agreement was reached—in regard to the depressed classes—it was immediately ratified and incorporated in the constitutional proposals. This argument, however, fails to take account of the extraordinary difficulty of reaching such agreements when minority communities have become accustomed to the guarantee of an undue weightage of legislative seats, as in the case of the Muslims. Under such conditions, a drastic abolition of the practice during a period of constitutional reorganization, as at present, offers the best hope of accomplishing the reform. The need for action from the outside is upheld by such experienced British observers as G. T. Garratt, who states that the British must act alone for "an immediate abolition of the system." *An Indian Commentary* (London, Jonathan Cape, 1928), p. 271.

25. *Proposals for Indian Constitutional Reform*, cited, p. 23, 54. In recent years appointments to governorships, with the single exception of Lord Sinha, have been reserved to Britishers.

26. *Ibid.*, p. 23-24, 55-56, 60-66.

27. For list of these statutory expenditures, cf. *ibid.*, p. 63; Appendix VII, Part III, p. 122.

course of budget procedure, enabling him to restore amounts reduced or eliminated by vote of the legislature. Provincial responsibility over finance will therefore be little more complete than at the center. Taking into consideration the enlarged scope of the Governor's special powers and the extensions of communalism in the legislatures, it is questionable whether the proposals embodied in the White Paper offer any measurable advance on the existing system of provincial diarchy.

#### CHANGES BY THE JOINT SELECT COMMITTEE

The proposals contained in the White Paper were subjected to careful scrutiny by a Joint Select Committee of Parliament, established by vote of the House of Commons on March 29, 1933. After an examination lasting eighteen months, the committee issued its report on November 21, 1934. The committee's recommendations, which were incorporated in the Government of India Bill submitted to Parliament early in 1935, introduced a series of important amendments into the original White Paper proposals.

*The Federal Government.* At the center, the method of election of both houses of the Federal Legislature was altered, and an important additional power conferred on the Governor-General. It had originally been proposed that the British-Indian members of the Council of State would be elected by the provincial legislatures,<sup>28</sup> which consisted mainly of unicameral legislative assemblies. Under the provisions of the Parliamentary bill, however, these members of the Council of State will be elected by the provincial upper houses or specially constituted electoral colleges analogous to the upper houses.<sup>29</sup> A change was also made in connection with the ten Governor-General's appointees to the Council of State.<sup>30</sup> Finally, the powers of the Council of State were made virtually coordinate with those of the Federal Assembly even in respect of budgetary procedure.<sup>31</sup> On the whole, these changes tended to increase the conservatism of the upper house of the Federal Legislature, while at the same time adding to its powers.

28. *Proposals for Indian Constitutional Reform*, cited, p. 10-11.

29. *Government of India Bill* (London, H.M. Stationery Office, 1934), First Schedule, p. 256-257.

30. Four of these were allotted outright to the Indian States, increasing the total maximum representation of the Princes from 100 to 104. The remaining six were allocated specifically to British India, although their appointment was still left in the hands of the Governor-General. *Ibid.*, p. 11; First Schedule, p. 255.

31. Note the contrast in the budgetary powers of the two houses as set forth in the White Paper (pars. 47-48, p. 49) and the *Government of India Bill* (clause 34, section 2, p. 22).

The Parliamentary bill effected an even more drastic change in the electoral procedure for the British-Indian side of the Federal Assembly. In place of direct election by voters in territorial constituencies,<sup>32</sup> it substituted indirect election by members of the provincial lower houses or analogous electoral colleges.<sup>33</sup> The retrograde nature of this alteration may be gauged by the fact that the members of the existing Legislative Assembly of British India have been directly elected from territorial constituencies since the Montagu-Chelmsford Reforms of 1918. Among all the bodies which have recently subjected this system of direct voting to review, only the Simon Commission recommended its abandonment. It had been supported by the Government of India's Despatch in 1930, by the British-Indian delegates to the round-table conferences and by the Lothian Franchise Committee, and had been embodied in the White Paper proposals. Nevertheless, on the recommendation of the Joint Select Committee,<sup>34</sup> the system of indirect election was incorporated in the Government of India Bill. Under this system, the Federal Assembly will be even less able to become a force making for national consolidation than the existing Legislative Assembly of British India.<sup>35</sup>

Following the recommendations of the Joint Select Committee, the Parliamentary bill also enlarged the scope of the safeguards provided for British economic enterprise in India. The Governor-General is still empowered to prevent discrimination against British subjects or companies in India, and against British shipping, either in the sphere of taxation or bounties.<sup>36</sup> In addition, the Governor-General is given a new "special responsibility" to prevent action which would subject British imports into India "to discriminatory or penal treatment."<sup>37</sup> This further grant of authority to the Governor-General has aroused widespread protest in India. For the past decade, by virtue of the so-called "fiscal autonomy convention," India

32. *Proposals for Indian Constitutional Reform*, cited, p. 10.

33. *Government of India Bill*, cited, First Schedule, p. 259-261.

34. *Report of the Joint Committee on Indian Constitutional Reform*, cited, p. 110. The Committee accepted the views of the Simon Commission.

35. Such strength and prestige as the present Legislative Assembly commands rest on the fact that it draws its authority directly from the people. The proposed Federal Assembly, however, will contain a strong Princely bloc on one side; while on the other the British-Indian group, with only an indirect mandate from the people, will tend to split up into representatives of provincial and communal interests.

36. *Government of India Bill*, cited, p. 67-74. These provisions rule out any effort on the part of the Indian authorities to regain control of the large sections of India's national economy now dominated by British monopolies.

37. *Ibid.*, p. 8.



has in principle enjoyed a certain measure of tariff autonomy.<sup>38</sup> Under the new provision against discriminatory or penal tariffs, however, the Governor-General will exert a broad and undefined power of intervention in the case of all tariff measures affecting British goods.

*The Provinces.* The White Paper proposals, despite Indian opposition, had provided for the establishment of upper houses in the legislatures of the three provinces of Bengal, the United Provinces, and Bihar. In accordance with the Joint Select Committee's recommendations, the Parliamentary bill added Madras and Bombay to the list of provinces having upper houses.<sup>39</sup>

On the executive side, the powers of the Governor in relation to law and order were considerably enlarged. The prior consent of the Governor is now required for the introduction of a legislative proposal which concerns the rules, regulations or orders relating to any police force whenever, in his opinion, such proposal affects the organization or discipline of that force.<sup>40</sup> In the second place, the Governor is directed to see that no records relating to terrorism shall be divulged to any member of the police force except by order of the Inspector-General of Police, or to any other person except at his own discretion.<sup>41</sup> Finally, the Governor is empowered to take over any department of the provincial government in situations where he deems such action necessary in order to combat terrorist activities.<sup>42</sup> Taken in their entirety, these new powers conferred on the Governors constitute a serious inroad on provincial responsibility with relation to the administration of justice.

*The Security Services.* At the first round-table conference, the majority of the Services Sub-Committee had recommended that recruitment for the Indian Civil and Police Services should vest in the

federal government.<sup>43</sup> This recommendation raised the prospect that the Indianization of the security services might proceed more rapidly than under the ratios laid down by the Lee Commission.<sup>44</sup> The White Paper, however, proposed that the Secretary of State for India should continue to be the recruiting and controlling authority for the services, and sanctioned the maintenance of the recruitment ratios of the Lee Commission. To soften the blow, it suggested that within five years after the inauguration of the new constitution a statutory inquiry should be held on the question of future recruitment for these services. Action on the results of the inquiry, however, was made subject to the approval of both Houses of Parliament.<sup>45</sup> These proposals of the White Paper were endorsed by the Joint Select Committee, with but one exception—that the date for the statutory inquiry should not be fixed but left to the discretion of the British government.<sup>46</sup> As a result of this recommendation, no mention of a statutory inquiry occurs in the Government of India Bill. The "steel frame" of an Imperial Civil Service and an Imperial Police Force, the members of which—largely British—are appointed by the Secretary of State, will thus be maintained intact for an indefinite period.

*The Indian Army.* The question of the Indianization of the officer ranks of the Indian Army, which was considered by the Joint Select Committee,<sup>47</sup> is closely connected with the reservation of the Defense Department and the barrier thus set up against advance toward responsible government. On February 20, 1935, in reply to a question in the Legislative Assembly, the Army Secretary of the Government of India stated that out of a total of 5,773 commissioned officers in the Indian Army, 5,578 were British and 195 were Indian.<sup>48</sup> The majority of Indians, recognizing the practical difficulties created by Great Britain's negligence in training Indian military officers, are willing to reserve the subject of defense to the Governor-General.

38. The convention provided that when the Government of India and the Indian Legislative Assembly were agreed, the Secretary of State should not override them. In practice, however, the Government of India has framed its tariff proposals only after prior consultation with the Secretary of State.

39. *Ibid.*, p. 37.

40. *Ibid.*, p. 35-36. In a case of this sort, the Governor's decision will apparently be based on the representations made to him by the Inspector General of Police and by the Home Member of the provincial Ministry. If the Governor accepts the former's advice, the Inspector-General will in effect be sitting in judgment on the Home Member—a situation which can hardly tend to foster ministerial responsibility.

41. *Ibid.*, p. 36. The effect of this provision is to deprive the Home Member of free access to police records relating to terrorism, thus further weakening his position as a responsible Minister.

42. *Ibid.* Since the Governor was already vested with the right to assume plenary powers in the event of an emergency, this new provision apparently envisages a case in which a provincial Ministry retains office even after one or more departments have been removed from its control by the Governor.

43. *Indian Round Table Conference*, Cmd. 3778 (London, H.M. Stationery Office, 1931), p. 405.

44. The estimated progress of Indianization under these ratios is shown in the following table (*Indian Statutory Commission*, cited, Vol. I, p. 270):

#### INDIANIZATION RATE FOR SECURITY SERVICES

	Jan. 1, 1929		Jan. 1, 1939	
	British	Indian	British	Indian
Civil Service	894	367	715	643
Police Service	564	128	434	251

45. *Proposals for Indian Constitutional Reform*, cited, p. 35-36, 82-84.

46. *Report of the Joint Committee on Indian Constitutional Reform*, cited, p. 183-84.

47. *Ibid.*, p. 96-102.

48. *Legislative Assembly Debates* (New Delhi, Government of India Press, 1935), February 20, 1935, Vol. II, No. 1, p. 993.



eral's control for a definite transitional period. In so doing, however, they make four demands: (1) that the new Government of India Act should transfer ultimate authority for the defense of India from Parliament to the Indian federal Legislature; (2) that it should embody a scheme for the progressive Indianization of the Army within a fixed term of years, resulting in the early and complete withdrawal of British troops from India; (3) that the employment of Indian troops outside India for purposes other than those of Indian defense should require the sanction of the federal Legislature; and (4) that recruitment to the Army, instead of being confined as at present to the so-called "martial" races, should be thrown open to all communities, classes, and provinces. The Joint Parliamentary Committee, however, definitely rejected the possibility of rapid progress along these lines by declaring: "It is in our judgment impossible to include in the Constitution Act or in any other statute a provision for the complete Indianization of the Army within a specified period of time."<sup>49</sup>

#### POLITICAL DEVELOPMENTS IN INDIA

The last phase of the civil disobedience campaign inaugurated by the All-India Congress in January 1932 occurred between August 1933 and March 1934. During this period large numbers of civil resisters were jailed by the government authorities for participating in a revised campaign of "individual" civil disobedience. The results of this effort, however, were much less effective than in the case of the earlier mass campaigns, and increasing sentiment for its discontinuance developed within the Congress. Early in April 1934 Mahatma Gandhi issued a statement advising the suspension of civil resistance by all members of the Congress party except himself.<sup>50</sup> This recom-

mendation was accepted by the All-India Congress Committee, which met at Patna on May 18-19, 1934.<sup>51</sup> The Patna meeting also rescinded the long existing Congress rule forbidding its members to stand for election to the central and provincial legislatures, and a Parliamentary Board was set up to organize and control the future election campaigns of Congress members. On June 5, as a result of this reorientation of Congress policy, the Government of India raised the ban on the All-India Congress.<sup>52</sup>

Two further events of importance occurred before the annual session of the All-India Congress held at Bombay toward the end of 1934. Considerable differences had arisen among the leaders of the Congress party over the policy to be followed in connection with the Communal Award, which fixed the proportion of seats that the various communities of British India would hold in the new legislatures. The official Congress position on this issue was summed up in the phrase "non-acceptance and non-rejection."<sup>53</sup> This policy was opposed by a number of influential Congress leaders, including Pandit Malaviya, who favored an outright condemnation of the Communal Award. Following the breakdown of final efforts to reach a compromise at the end of July, Pandit Malaviya and a few other leaders organized a separate Nationalist party, although continuing their attempts to secure a revision of the Congress policy.<sup>54</sup> The second noteworthy event was the statement which Mahatma Gandhi laid before a meeting of the Working Committee at Wardha on September 9-11, declaring that he had been convinced of the necessity for his withdrawal from the Congress.<sup>55</sup> To what extent the enforced suspension of the civil disobedience campaign, as

49. *Report of the Joint Committee on Indian Constitutional Reform*, cited, p. 101. The provisions of the India Bill were further amended in the course of its passage through the House of Commons. These changes met the objections of the Princes on all points, so that their accession to the federation now seems assured. A redrafting of the clause affecting the entry of the Princes clarifies their position and renders less likely any encroachments by the federal authorities on the internal affairs of the States. (*Government of India Bill*, as amended in committee and on report, cited, clause 6, [1], [a], p. 3.) Similarly, a time limit of three years is imposed for rule by proclamation in the event of a breakdown of the constitutional machinery, and during this period there shall be no extension of Parliament's power to make amendments in the Act "without affecting the accession of a State." (*Ibid.*, clause 45, [4], p. 32.) This provision emphasizes the fact that Parliament can pass no amending legislation which voids the original conditions on which the States accede to the federation. (Cf. *ibid.*, Schedule II, p. 312-315, for the subjects which Parliament cannot amend without the assent of the States-members of the federation.) Assam was also added to the list of provinces having an upper house in the legislature. (*Ibid.*, clause 60, p. 40.)

50. For text, cf. *The Indian Social Reformer* (Bombay), April 14, 1934, p. 521-522.

51. *Report for 1933-34*, All-India Congress Committee (Bombay, 1934), p. 9.

52. The government's action, however, was not applied uniformly throughout the country. The Congress section in the North-West Frontier Province was still held to be illegal, as were certain of the allied and subordinate Congress organizations. Despite a partial amnesty, the release of many civil disobedience prisoners was delayed, other Congressmen in Indian States were refused re-entry to British India, and still others were denied passports to leave the country. *Ibid.*, p. 10-11.

53. The Congress party, in view of the harmful effects of communal voting, had always opposed separate electorates on principle. In the existing situation, however, it was recognized that the bulk of the Muslims were favorably disposed to the Communal Award, owing to the large proportion of seats allotted to them. The Congress position, therefore, was calculated not to jeopardize the possibility of cooperation with the Muslims on other nationalist issues. Cf. "Congress Election Manifesto," *The Servant of India*, August 2, 1934, p. 358.

54. *Report for 1933-34*, cited, p. 11-15.

55. *Ibid.*, p. 15.

well as its political ineffectiveness, contributed to this decision was not made plain.

Despite his announced decision, Gandhi played a leading part in the annual Congress session which met at Bombay on October 26-28, 1934. The actions taken by the Patna meeting of the All-India Congress Committee were endorsed, and preparations were made for full participation in the forthcoming elections. A revision of the Congress party's constitution, providing for a more democratic electoral procedure, was effected.<sup>56</sup> Despite the growing strength of an All-India organization of the Socialists within the Congress party, which had been established on May 17, 1934,<sup>57</sup> the opposition amendments introduced by this group were defeated by the old-line leadership, including Gandhi.<sup>58</sup> An amendment by Pandit Malaviya, advocating outright condemnation of the Communal Award, was similarly defeated. Gandhi's retirement from the Congress was officially accepted.<sup>59</sup> His attention has since been chiefly devoted to the All-India Village Industries Association, a project for rural reform organized at the Bombay session.<sup>60</sup>

The general election for the Legislative Assembly of British India was held in November 1934, immediately following the annual Congress session at Bombay. As now constituted, the Assembly's total membership of 145 is divided into three categories: a nominated government bloc of 41 members; 52 elective members returned by separate electorates; and 52 seats filled through "general" constituencies.<sup>61</sup> In the election, which turned mainly on the constitutional issue, the Congress party swept the polls, winning 44 out of the 52 "general" seats. The total strength mustered by the Congress in the Assembly was 60, including 7 seats won by the (Malaviya) Nationalist party, 6 by nationalist Muslims, 2 Sikh seats, and 1 other.<sup>62</sup> Events showed, however, that with the 16 Muslim members of the Independent party headed by M. A. Jinnah, who voted with the Congress in most divisions, the nationalist elements dominated the Legislature.

#### ACTIONS IN THE LEGISLATIVE ASSEMBLY

Since the Government of India is not responsible to the Legislative Assembly, the latter's actions are in no sense binding on the Governor-General and his Cabinet members. As the most widely representative body in British India, however,

with a direct elective mandate from the people, its decisions are the clearest expression of the national will that can be attained under the present constitution. For years the boycott of the legislatures, both central and provincial, by the All-India Congress had destroyed their representative character and nullified their political significance. Under these circumstances the convening of the newly elected Assembly, with the Congress party represented for the first time in a decade, took on an unusual importance.

The first session of the new Legislative Assembly opened at Delhi on January 21, 1935. Action was instituted almost immediately on the constitutional issue, which was uppermost in the minds of all members of the Legislature. Early in February the Law Member, in behalf of the government, moved that the report of the Joint Select Committee of Parliament be taken into consideration. Two principal amendments to this resolution were offered. The leader of the opposition, representing the Congress party, moved the following amendment:

"This Assembly is of opinion that the proposed scheme of constitution for the Government of India is conceived in a spirit of imperialist domination and economic exploitation and transfers no real power to the people of India and that the acceptance of such a constitution will retard instead of furthering the political and economic progress of India, and recommends to the Governor General in Council to advise His Majesty's Government not to proceed with any legislation based on the said scheme."<sup>63</sup>

The full strength of the government bloc was thrown against this amendment, contrary to the procedure adopted in the provincial legislatures, where the nominated official members refrained from taking part in the voting so that it might register only non-official Indian opinion. The Independent Muslims under Mr. Jinnah also opposed the amendment, since it involved a blanket rejection of the whole constitution. As a result of this combined opposition, the Congress amendment was defeated by 72 votes to 61.<sup>64</sup>

The Legislative Assembly then proceeded to consider a second amendment, proposed by Mr. Jinnah, which ran as follows:

61. The government bloc consists of 26 nominated officials, normally supported by 15 nominated non-officials. Forty-seven of the "general" constituencies are chiefly Hindu; five admit Muslims. The separate electorates comprise Muslims, 30; Britishers, 9; landholders, 7; commerce, 4; and Sikh, 2.

62. Letter No. 3, All-India Congress Committee (Patna), January 29, 1935, p. 2.

63. *Legislative Assembly Debates*, cited, February 4, 1935, Vol. I, No. 7, p. 266.

65. *Ibid.*, February 7, 1935, Vol. I, No. 10, p. 568-569.

56. *Congress Bulletin*, January 10, 1935.

57. *Report for 1933-34*, cited, p. 10.

58. *New York Times*, October 29, 1934.

59. *Congress Bulletin*, November 2, 1934, p. 5.

60. *Ibid.*, p. 2-3.

1. "That this Assembly accepts the Communal Award, so far as it goes, until a substitute is agreed upon by the various communities concerned.

2. "As regards the scheme of Provincial Governments, this House is of opinion that it is most unsatisfactory and disappointing, inasmuch as it includes various objectionable features, particularly the establishment of Second Chambers, the Extraordinary and Special Powers of the Governors, provisions relating to Police rules, Secret Service and Intelligence Departments, which render the real control and responsibility of the Executive and Legislature ineffective and, therefore, unless these objectionable features are removed, it will not satisfy any section of Indian opinion.

3. "With respect to the scheme of the Central Government, called 'All-India Federation,' this House is clearly of the opinion that it is fundamentally bad and totally unacceptable to the people of British India and therefore recommends to the Government of India to advise His Majesty's Government not to proceed with any legislation based on this scheme and urges that immediate efforts should be made to consider how best to establish in British India alone a real and complete Responsible Government and with that view take steps to review the whole position in consultation with Indian opinion without delay."<sup>66</sup>

For the purpose of voting, the amendment was divided into two parts. The first part, comprising clause one, was adopted by the government and Muslim votes, with the Congress members abstaining. The second and third clauses were then put together as an entire alternative to the government proposal. Since this alternative embodied a complete rejection of the federal aspect of the proposed constitution, it was considered by the government as objectionable as the Congress amendment. Despite the opposition of the government bloc, it was adopted by a vote of 74 to 58.<sup>67</sup> In the result, the combination of the Congress party with Mr. Jinnah's Independent Muslims served the same practical purpose as if the Congress motion had been carried. The verdict clearly showed that Indian opinion was opposed to any legislation based on the Joint Select Committee proposals.

In the course of the legislative session at Delhi the government suffered a number of other defeats, some of which were hardly less significant than the setback on the constitutional issue. By 66 votes to 58, the Assembly adopted a motion urging the government to terminate the Indo-British Trade Agreement, concluded on January 9, 1935, on the ground that it was "unfair to India."<sup>68</sup> The section of the army appropriation

bill submitted to the Assembly was cut to one rupee by a vote of 79 to 48.<sup>69</sup> Similarly, by a vote of 75 to 47, the grant for the Railway Board was cut to one rupee.<sup>70</sup> These motions, affecting two of the most important government departments, were not token cuts but were definitely labeled as a "refusal of supplies." Nevertheless, the government failed to resign and on March 25 the Finance Member announced that the Governor-General had restored the appropriations.<sup>71</sup> Of greatest significance, however, was the series of amendments to the Finance Bill made by the Assembly, including one reducing the salt duty. On April 5 the Governor-General returned the bill to the Assembly in its original form, with the statement that the Government was unable to accept any of the changes.<sup>72</sup> Sir James Grigg, the Finance Member, then moved that the salt duty be restored to its original rate, but the motion was defeated by 64 votes to 61.<sup>73</sup> Following this defeat, the Finance Member proceeded to have the bill certified in the form recommended by the Governor-General.

The successful opposition mobilized during this session of the Legislative Assembly was tempered in Indian nationalist circles by a number of considerations. Despite the fact that motions of such importance mustered the support of the overwhelming majority of the elected representatives, none of them was given effect by the Government of India. In terms of actual results they merely served to demonstrate the irresponsible character of the present Indian government. There was also the further consideration that even such ineffective opposition will be rendered difficult, if not hopeless, in the Federal Assembly proposed by the new constitution. Under the combined handicaps of indirect election and the strong Princely bloc, the possibility that nationalist elements might capture the Federal Assembly and use it for opposition purposes will virtually disappear.

#### CONCLUSION

The unanimity with which all important sections of British-Indian opinion have rejected the India Bill will necessarily determine the extent to which it can be successfully worked. According to the overwhelming majority of British Indians, it represents an imposed constitution.

68. *Ibid.*, January 30, 1935, Vol. I, No. 6, p. 249-250. For text of the trade agreement, cf. *ibid.*, January 24, 1935, Vol. I, No. 3, p. 100-103.

69. *Ibid.*, March 12, 1935, Vol. III, No. 3, p. 2243-2244.

70. *Ibid.*, February 22, 1935, Vol. II, No. 3, p. 1255.

71. *Bombay Sentinel*, March 26, 1935.

72. *Times of India* (Bombay), April 8, 1935.

73. *Ibid.*

66. *Ibid.*, February 4, 1935, Vol. I, No. 7, p. 268.

67. *Ibid.*, February 7, 1935, Vol. I, No. 10, p. 575-576.



At the same time, the recent political developments in British India have apparently paved the way for a full test of the possibilities inherent in the new constitution. The firmness with which the civil disobedience movement has been suppressed, and its consequent lack of success, has temporarily discredited it as a tool for achieving India's emancipation. The Congress party, which clearly represents majority Indian opinion, has suspended its non-cooperation program, entered the legislatures, and taken a responsible share in the government opportunities open to it. There is no immediate prospect that this policy will be reversed when the new constitution goes into effect.

Under the circumstances, the extent to which the constitution can meet the legitimate aspirations of Indian nationalism will receive a thoroughgoing trial at the very outset. The crucial test will come at the center, in the federal government. Given the fullest participation of the Congress party in the provincial elections, however, and the utmost possible degree of success, it cannot expect to win a position in the Federal Legislature, under the proposed allocation of seats, which will overcome the combination of the Princely bloc with the conservative elements of British India. Even were this miracle by some means achieved, the Council of State and the broad reserve powers of the Governor-General would still remain to block any determined move toward the execution of a nationalist policy.

The political classes of British India will hardly engage in this test with any expectation that the result will be successful. The Congress leaders, at least, will take office with the certainty that the constitution will not work, and with the object of proving this to be so. Should they succeed in this objective, two alternatives will be open: amendment of the constitution or a renewal of direct action. The first of these has been made so difficult that it can virtually be ruled out in advance. In addition to the obstacles to amendment presented by the Indian States, no constituent powers have been conferred on the federal or provincial legislatures,<sup>74</sup> and there is no provision for a general review of the working of the act after ten years, such as the 1919 Act contained. Facing the indefinite continuance of a constitution which debars the nationalist majority of India from control, the Congress leaders will be strongly impelled

74. After ten years, the Indian legislatures may propose changes which affect certain specified subjects and which require the approval of both Houses of Parliament. (*Government of India Bill*, cited, p. 163-165.) The limited range of these subjects, and the procedural restrictions imposed, make this section "of little value." *The Economist* (London), India Supplement, February 2, 1935, p. 18.

to return to a policy of non-cooperation, and the events of the past few years may well be repeated—possibly on an even broader and more intransigent scale.

#### APPENDICES

##### I. *Resolution Passed by Working Committee of All-India Congress and the Parliamentary Board, December 1934.*<sup>1</sup>

"Whereas the Congress has after full and earnest consideration resolved that the scheme of the future Government of India adumbrated in the White Paper be rejected and that the only satisfactory alternative is a constitution drawn up by a constituent assembly and the said rejection and demand for a constituent assembly have been endorsed in a clear and unambiguous manner by the country at the recent general election to the Legislative Assembly;

"And whereas the proposals made in the Joint Parliamentary Committee Report are in several respects even worse than those contained in the White Paper and have been condemned by almost every shade of opinion in India as reactionary and unacceptable;

"And whereas the Joint Parliamentary Committee scheme, designed as it is to facilitate and perpetuate the domination and exploitation of this country by an alien people under a costly mask, is fraught with greater mischief and danger than even the present constitution;

"This Committee is of opinion that the said scheme should be rejected, well knowing that the rejection must involve the necessity of struggling under the present constitution, humiliating and intolerable as it is, until it is replaced by one framed by a constituent assembly, in accordance with the Congress resolution on the subject.

"This Committee requests the members of the Assembly to reject the scheme of government sought to be thrust upon India in the name of reform and appeals to the nation to support the Congress in every step that it may decide upon to secure the national objective of *purna swaraj* [complete independence]."

##### II. *Resolution Passed by Sixteenth Annual Session of the National Liberal Federation of India, Poona, December 1934.*<sup>2</sup>

"The National Liberal Federation of India records its profound regret at finding that the Joint Select Committee's Report, instead of removing the glaring defects and shortcomings of the White Paper proposals that were pointed out by the Federation at its two previous sessions, has, in utter disregard of almost the entire body of Indian opinion of all shades including the British-Indian delegation to the Joint Select Committee, introduced further highly objectionable and reactionary features, rendering responsible government in the provinces and the centre which the British Government profess to give to India wholly illusory. The Federation is convinced that any Constitution based on the lines of the Joint Select Committee's Report will be wholly unacceptable to all shades of Indian political opinion and will, far from allaying, very much intensify the present deep political discontent in the country. This Federation, therefore, does not want any legislation based upon the Joint Select Committee's Report."

##### III. *Resolution Passed by the Council of the All-India Muslim League, Delhi, January 1935.*<sup>3</sup>

"The All-India Muslim League Council have given their most careful and earnest consideration to the Joint Parliamentary Committee Report, and are of the opinion that the constitutional proposals embodied therein are more reactionary than the White Paper proposals, which were considered by the Council on April 1, 1934.

"The Council reiterate their opinion that they accept the Communal Award, so far as it goes, until a substitute is agreed upon by the various communities concerned, and on that basis they express their readiness again to cooperate with any community or party with a view to securing such future constitution for India as would satisfy the people."

1. *The Servant of India*, December 13, 1934, p. 588.

2. *Ibid.*, January 3, 1935, p. 8.

3. *Ibid.*, January 31, 1935, p. 60.